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AUG 23 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARYBEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

In the Matter of

Amendment of Section 73.202(b)	)	
Table of Allotments	)	MM Docket No. 99-246
FM Broadcast Stations	)	RM - 9593
(Winslow and Camp Verde, Arizona)	)	

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**COMMENTS AND ALTERNATE PROPOSALS**

Desert West Air Ranchers Corporation ("Petitioner"), permittee<sup>1</sup> of Station KFMR(FM), Winslow, Arizona, by its counsel, hereby submits its comments in response to the Commission's *Notice of Proposed Rule Making* ("NPRM") 14 FCC Rcd \_\_\_\_ (released July 2, 1999, DA 99-1311). The *NPRM* proposed the reallocation of Channel 236C from Winslow to Camp Verde, Arizona, as its first local service and the modification of Station KFMR's permit to specify Camp Verde accordingly. Between the filing of the Petition for Rule Making on March 22, 1999, and the present, Petitioner completed construction of the station. Unfortunately the coverage of the station into Camp Verde and the surrounding area is unsatisfactory. Due to the rugged and mountainous terrain around Camp Verde, the signal suffers from multipath interference causing undesirable reception to the service area. As a result, Petitioner desires to modify its original request as follows. Petitioner is proposing herein the reallocation of Channel 236C from Winslow to Sun City West or

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1. On July 23, 1999, Petitioner submitted its license application for this station (BLH-990723KC). The license application is currently pending.

in the alternative, Mayer, Arizona as its first local service. In support hereof, Petitioner states as follows:

## **I. SUN CITY WEST**

### **A. TECHNICAL ANALYSIS**

1. As demonstrated in the attached Technical Analysis Statement, Channel 236C can be allotted at a new reference point consistent with the Commission's distance separation requirements with one exception, Station KTTI(FM), Yuma, Arizona at its vacant Class C reference point. This short spacing is discussed later. See Exhibit E-1. From the proposed reference point, a predicted 70 dBu signal can be provided over Sun City West without shadowing. See Exhibit E-2,3,4.

2. The Technical Analysis Statement also demonstrates that the proposed 60 dBu will provide service to 1,534,453 persons whereas the current Class C coverage from Winslow covers 127,723 persons resulting in a net gain of 1,406,730 persons. See Exhibit E-5. In addition, the statement indicates that there are at least 5 remaining signals in the loss area due to the fact that 5 other Class C stations operate from the same site as KFMR with at least the same facilities. *See e.g., Atlantic and Glenwood, Iowa*, 10 FCC Rcd 13160 (1995).

3. Petitioner hereby states that should the Commission approve the reallocation of Channel 236C to Sun City West as proposed, it will apply for a new transmitter site consistent with the Commission's Rules and construct the facility.

### **Station KTTI, Yuma, Arizona**

4. Station KTTI(FM) currently operates with Class C3 facilities. Nine years ago, in MM Docket No. 90-19, the station was granted an upgrade to Class C status on Channel 236. 5 FCC Rcd

5912 (1990). However the station has never increased its facility. The licensee did file an application for Class C facilities on September 10, 1991 (BPH-910910IH) which was granted on January 8, 1992. However after filing three extension applications (BMPH-930520JD, BMPH-940121JA and BPH-950202JA)<sup>2</sup>, the licensee failed to construct a Class C station and on August 6, 1996, by the attached letter, the Commission canceled the permit. See Exhibit A. There is no indication from the Commission's records that in the three years since the letter was issued that the licensee has ever reapplied for the Class C facility. Nevertheless, Channel 236C remains in the Commission's Table of Allotments.

5. Petitioner does not desire to deprive the licensee of an opportunity to operate with Class C facilities. In fact, with a modified reference point, Station KTTI can continue to have the opportunity to apply for a Class C station. The current reference point for Channel 236C at Yuma is located approximately 17 miles east of Yuma which presents a relocation from Station KTTI's current transmitter site. Since KTTI had previously committed itself to a relocation in order to have the Class C channel allotted at a different site, the Commission should consider a different Class C reference point as set forth in Exhibit E-6 in the Technical Analysis Statement. *See e.g., Monticello, Arkansas and Bastrop, Louisiana*, 14 FCC Rcd \_\_\_\_, 1999 LEXIS 1871, (released April 30, 1999, DA 99-820) at ¶ 4, citing *Greenville, Texas* 6 FCC Rcd 6048 (1991). (since the station "would be required to move in any event to implement an upgrade on Channel 236C3, we do not view this

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2. The first extension application contained an exhibit which indicated that the licensee had failed to construct the Class C facility due to "market conditions." See Exhibit A. The last extension was an application for reinstatement after the permit had been canceled. The licensee indicated that it was having difficulty gaining access to the site which is controlled by the Bureau of Land Management. See Exhibit A.

option as consisting a forced relocation"). From the proposed new reference point, Yuma can receive a 70 dBu signal. The proposed new reference site for Channel 236C at Yuma will meet the Commission's separation requirements.

6. Furthermore, the Technical Analysis also demonstrates that Station KTTI can increase its facilities from its current Class C3 to a Class C1 or C2 at its current site. See Exhibit E-7A,B,C and E-8A,B. The failure of the licensee to increase its facility at all in nine years should be treated as "warehousing" by the Commission. The Commission has typically notified licensees in the past that the failure to apply for an increase in facilities within the 90 day period set forth in the Report and Order subjects the licensee to the risk of losing the upgraded class of channel. The Commission should do the same here where the permit expires and the channel remains unapplied for in three years. The Commission should have some procedure in place when canceling a permit which warns licensees that the failure to reapply within 90 days will cause the Commission to consider conflicting proposals. See *Monticello, Arkansas and Bastrop, Louisiana*, *supra*, at note 2.

## **II. CHANGE IN COMMUNITY LICENSEE**

7. Petitioner desires to change the community of license from Winslow to Sun City West, Arizona under the prerequisites set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 3870 (1989), *recons. granted in part*, 5 FCC Rcd 7094 (1990). First, the proposed use of Channel 236C at Winslow is mutually exclusive with the use of Channel 236C at Sun City West. Second, Sun City West has a 1990 U.S. Census population of 15,997 and a 1998 estimated population of 28,000 residents compared to Winslow's population of 8,190 (1990 U.S. Census). Winslow will continue to receive aural service from Station KINO(AM). Thus Sun City West should be favored

under the Commission's allotment priorities (Priority 3) for a first local service. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

8. Sun City West is located in the Phoenix Urbanized Area. Therefore, a showing of independence must be provided. *See Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988). The Commission will consider eight factors in assessing the independence of a specified community: (1) the extent to which the community residents work in the larger metropolitan area, rather than the specified community; (2) whether the smaller community has its own newspaper or other media that covers the community's local needs and interests; (3) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (4) whether the specified community has its own local government and elected officials; (5) whether the smaller community has its own telephone book or zip code; (6) whether the community has its own commercial establishments, health facilities and transportation systems; (7) the extent to which the specified community and the central city are part of the same advertising market; and (8) the extent to which the smaller community relies upon the larger metropolitan area for various municipal services, such as police, fire protection, schools and libraries. *Faye and Richard Tick, supra*, ¶ 36. All eight factors need not favor the applicant. If a majority of the factors demonstrate that the specified community is distinct from the urbanized area, the Commission will treat it as an independent community. *Id.*; *Parker and St. Joe, Florida*, 11 FCC Rcd 1095, ¶¶ 9-11 (1996) (finding that the proposed community was independent although it lacked its own telephone directory and local newspaper, and was included in the urbanized area's market by Arbitron); *accord Jupiter and Hobe Sound, Florida*, 12 FCC Rcd 3570, ¶ 3 (1997) (citing *Parker and St. Joe, Florida*).

9. In this case, a majority of the eight factors unquestionably demonstrate that Sun City West is separate and independent from Phoenix:

(1) *Sun City West is a major source of employment opportunity, and few, if any of its residents work in Phoenix.* Sun City was established in 1978 as a master-planned active adult community for people of age 55 and older. The 1990 U.S. Census reported the population of Sun City West as 15,997. The 1998 population estimate from Arizona's Northwest Valley Chamber of Commerce is 28,000. When construction of new homes in the community is completed, there will be an estimated 17,000 homes with 32,000 residents. Almost all of the residents are retired, so virtually none of the population is dependent upon Phoenix for employment opportunities.<sup>3</sup> See Exhibit B.

On the contrary, in order to serve the residents of Sun City West, hundreds of people from the surrounding communities commute to Sun City West to staff the eight golf courses, four recreation centers, the Del E. Webb Memorial Hospital, the 7,000 seat Sundome Center for the Performing Arts and the dozens of other businesses that have been established in the community to support the residents. See Exhibit B.

(2) *Sun City West is Served by Local Newspapers That Address Local Needs and Interests.*

*The Wester* and the *Sun Cities Independent* are weekly newspapers that are published locally in Sun City West. In addition, Sun City West is served by the daily newspaper, the *Daily*

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3. The Arizona Department of Economic Security reported that the civilian labor work force in Sun City West was 1,662 people out of an estimated 21,935 residents (7.5% of the population of Sun City West) in 1994.

*News Sun*, which is headquartered in Sun City, but contains news and information of interest to both Sun City and Sun City West residents. See Exhibit B.

(3) *The Community and its Residents Consider Sun City West as Separate from Phoenix.*

The residents of this retirement community have completely different needs than the residents of Phoenix, and have gone to great lengths to establish a separate identity for Sun City West. The city has aligned itself with the Northwest Valley Chamber of Commerce, which excludes Phoenix. It has also established the Sun City West Visitors and Information Center. The residents of the community have all of the shopping, recreational and health facilities they need within the confines of the Sun City West community. See Exhibit B.

Sun City West is also separate from Sun City. The name of Sun City West was used because both communities were developed by Deb. E. Webb and the use of a similar name was desirable for marketing purposes after the success of Sun City. But the two communities are geographically separated by another community (Surprise) and unincorporated areas and are listed separately in the U.S. Census.

(4) *Local Government*

The community of Sun City West is governed primarily by the Maricopa County Board of Supervisors and receives police protection from the Maricopa County Sheriff's Office. Sun City West assists in its own policing through its volunteer Sun City West Posse. Sun City West also has its own local fire department. None of its services or governance is supplied by Phoenix. See Exhibit B.

(5) *Telephone Book and Zip Code*

The Sun City West Business and Professional Association produces and distributes an annual directory of businesses in Sun City West that is delivered to every home in the community. Sun City West has its own zip code - 85375. See Exhibit B.

(6) *Sun City West has Numerous Commercial Establishments and its Own Health Facilities.*

Sun City West is the home of hundreds of commercial establishments. A number of the businesses identify with the community by using "Sun City West" in their name. For example, Sun City West Mobile Service, Sun City West Wood Working, Sun City West Insurance Group, Sun City West Chiropractic and Sun City West Auto Body, Inc. Sun City West is the home to eight golf courses, four recreation centers and the 7,000 seat Sundome Center for the Performing Arts.

Sun City West is also the location of the 203 bed Del E. Webb Memorial Hospital, which provides medical services to the community. There are also several clinics and medical practices to offer other more routine medical services.

The recreational opportunities available to residents are significant. In addition to the eight golf courses, there are four recreation centers operated by Recreation Centers of Sun City West, Inc. The centers offer swimming, shuffleboard, tennis, billiards, miniature golf, arts and crafts and instructional classes. The 40,000 volume R.H. Johnson Public Library is also located in Sun City West.

Sun City West is also the home to a number of religious and civic organization. There are seventeen religious organization in Sun City West including Church of the Advent, Beth Emeth Congregation, Desert Palms Presbyterian Center, Our Lady of Lourdes, Sun City West



Christian Church and First Baptist Church Sun City West. Civic organizations in Sun City West include Volunteer Bureau of the Sun Cities Area, Inc.; Sun City West Community Fund, Inc.; Freedom Foundation at Valley Forge; Sun City West Foundation, Inc.; Sun City West Prides, Inc.; Sun Living Health Auxiliary; and Volunteer Bureau of the Sun Cities Area, Inc. See Exhibit B.

(7) *Extent to Which Sun City West and Phoenix Are Part of the Same Advertising Market.*

Advertisers interested in reaching the residents of Sun City West have several options other than the Phoenix media to reach the residents of Sun City West. They may advertise in the *Daily News Sun*, a daily newspaper that serves the Sun City and Sun City West communities, or they may advertise in *The Wester* or the *Sun Cities Independent*, both of which are weekly papers that are published in Sun City West. Businesses can also contact the Northwest Valley Chamber of Commerce, which serves Sun City West and several other communities (but not Phoenix) and the Sun City West Visitors Center or the Sun City West Business and Professional Association. Thus, the businesses that wish to serve Sun City West do not need to travel to Phoenix to reach the residents of that community and Sun City West residents do not need to utilize Phoenix media outlets to find out about happenings in their community.

(8) *Sun City West Receives its Municipal Services from Sources Other Than Phoenix.*

As indicated, police services are provided by the Maricopa County Sheriff's Office, with assistance from the volunteer Sun City West Posse. Sun City West has its own local fire department. Sun City West has its own 40,000 volume library. Because it is a community where the average age is above 55, there are no K-12 schools. However, the Rio Salado Community College is located in Sun City West and offers continuing adult education course. Arizona State University

also offers non-credit enrichment classes at locations in Sun City West. None of its services or governance is supplied by Phoenix.

10. In addition to the showing of independence, the Commission considers two other factors under the *Tuck* analysis - signal population coverage and size and proximity of Sun City West relative to Phoenix. The proposed 70 dBu signal will reach approximately 10% of the population of the Phoenix Urbanized Area. Sun City West is located approximately 21 miles northwest of Phoenix and separated by several other communities. The population of Sun City West is approximately 2% of Phoenix.

11. In view of these factors it is clear that Sun City West is an independent community deserving of a first local service.

### **III. SECOND ALTERNATIVE PROPOSAL**

12. Petitioner prefers to have Channel 236C allotted to Sun City West as proposed. However the proposal does require a change in the Class C reference point or a lower class channel for Station KTTI at Yuma. Due to the uncertainty as to whether the Commission would modify the reference point based on past case law, Petitioner is offering an alternate proposal for Commission consideration. Petitioner alternatively requests the reallocation of Channel 236C from Winslow to Mayer, Arizona as its first local service. This proposal could utilize a different reference point which would not affect the current Yuma Class C allocation reference point. The Mayer reference point is not as desirable from a coverage standpoint and the availability of transmitter sites would be more limited. However, the coverage improvement would still be substantial as a public interest matter. Accordingly, should the Commission decide that the Sun City West proposal should not be granted for any reason, Petitioner requests that the Commission consider the reallocation of Channel 236C

to Mayer, Arizona as its first local service. Should the Commission grant the reallocation of Channel 236C to Mayer, Petitioner will apply for the channel and construct the facility.

#### **IV. TECHNICAL ANALYSIS**

13. The attached Technical Analysis Statement at Exhibit E-11 provides a channel study which would provide 70 dBu coverage to Mayer and comply with the Commission's spacing and coverage requirements. See also Exhibit E-12, E-13. The Technical Analysis also demonstrates that from the proposed reference point, the 60 dBu service area population would increase from 127,723 persons to 876,581 persons, an increase of 748,858 persons. The number of stations in the loss areas exceeds five as was previously discussed and is set forth in Exhibit E-5.

#### **V. COMMUNITY INDICIA**

14. Mayer, Arizona is a "community" for allotment purposes. Although it was not listed in the 1990 U.S. Census, it is listed in the Rand McNally Commercial Atlas and Marketing Guide, which attributes it with a population of 1,500. The Arizona Dept. of Economic Security lists the population of Mayer as 1,283 (1990) and 2,200 est. (1997). In addition, Mayer is listed in the 1999 Rand McNally Road Atlas with a population of 1,800. Mayer is located in Yavapai County, which is governed by a Board of Supervisors. Mayer has its own zip code - 86333, fire department and water district. It also has the Mayer Justice Court and its own Justice of the Peace. The town was established in 1881 by Joseph Mayer as a stagecoach stop for Wells Fargo. Mayer rapidly became a trading center. See Exhibit C.

15. There are eight different places of worship in Mayer including Church of Jesus Christ of Latter Day Saints, First Baptist Church, Mayer Assembly of God, Mayer Community Church, Mountain of Faith Lutheran Church and St. Joseph's Catholic Church. See Exhibit C.

16. Mayer has two public libraries. The community of Mayer is part of the Mayer Unified School District No. 43, which consists of two elementary, two junior high and one high school. The high school and one elementary school are located in Mayer. Water is provided by the Mayer Water Company. The Mayer Fire Department provides local fire protection service. There is an office of the Arizona Public Service Company, which provides electricity to residents of Arizona, in Mayer. See Exhibit C.

17. Mayer is served by the Mayer Chamber of Commerce, and has dozens of businesses including a bank, several working ranches, including the Horseshoe Ranch, gas stations, motels and bed and breakfasts, a construction company, the Mayer Barber Shop, Mayer Child Day Care Center, and Mayer Market Antique Shops. It is also the home of the Orme School which is a high school boarding "prep school." See Exhibit C.

18. These indicia are sufficient to overcome the fact that Mayer was not listed in the 1990 U.S. Census. See, e.g., *Gualala, California*, 5 FCC Rcd 6268 (1990).

19. The proposed use of Channel 236C at Mayer is mutually exclusive with the current use of Channel 236C at Winslow. See Exhibit E-11. The provision of a first local service at Mayer (Priority 3) would be a preferential arrangement of allotments to a second local service at Winslow which is served by KINO(AM). See, *Revision of FM Assignment Policies and Procedures, supra*. Therefore, the reallocation of Channel 236C to Mayer would be in the public interest.

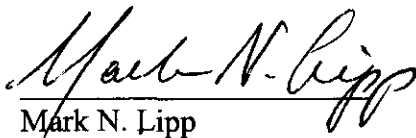
## **VI. CONCLUSION**

20. The reallocation of Channel 236C to Sun City West is in the public interest for several reasons. The proposal will provide a first local service to a 1990 U.S. Census population of 15,997 which is estimated to have doubled since then. The increase in 60 dBu coverage is over 1.4 million

persons. On the other hand, Station KTTI, Yuma, can continue to have a Class C channel available or increase to a Class C1 or Class C2 as its prefers. As an alternative the public interest will also be served by the reallocation of Channel 236C to Mayer as its first local service with a 60 dBu population increase of approximately 750,000 persons.

Respectfully Submitted,

DESERT WEST AIR RANCHERS CORPORATION

By:   
Mark N. Lipp  
Scott C. Cinnamon

Shook, Hardy & Bacon  
600 14th Street, NW  
Suite 800  
Washington, DC 20005  
(202) 783-8400

Its Counsel

August 23, 1999

# **EXHIBIT A**

239  
FCC MAIL SECTION

JAN 10 3 16 PM '95

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

JAN - 3 1995

IN REPLY REFER TO:  
1800B3-JDB

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stanley D. Friedman, Trustee  
2901 N. Central Ave.  
Phoenix, AZ 85012

In re: ~~XXXX (FM)~~ Yuma, AZ  
Stanley D. Friedman, Trustee  
BPH-910910IH  
BPH-940121JA

Dear Licensee:

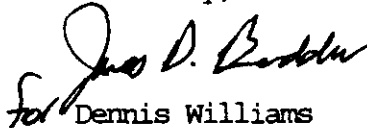
This letter refers to the above-captioned construction permits.

Section 73.3599 of the Commission's Rules (in pertinent part) provides that a construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such time as the Commission may have allowed for construction.

Your construction permit BPH-910910IH, as last replaced by BPH-940121JA, was originally granted on January 8, 1992. Construction was to have been completed and program test operations commenced prior to October 29, 1994. To date, no FCC 302-FM license application has been filed to cover this construction permit, nor has an FCC Form 307 application requesting extension of time to construct been received.

Consequently, in accordance with Section 73.3599 of the Commission's Rules, construction permit BPH-910910IH, as last replaced by BPH-940121JA, IS HEREBY CANCELLED.<sup>1</sup> This action is taken pursuant to Section 0.283 of the Commission Rules.

Sincerely,

  
for Dennis Williams  
Chief, FM Branch  
Audio Services Division  
Mass Media Bureau

cc: David Tillotson

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<sup>1</sup> This action has no effect on your licensed operation as authorized by BLH-4954.

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

AUG - 6 1996 8 8 31 AM '96

IN REPLY REFER TO:  
1800B3-JDB

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Commonwealth Broadcasting of Arizona, LLC  
2550 5th Ave.  
11th Floor  
San Diego, CA 92103

In re: KTTI(FM), Yuma, AZ  
Commonwealth Broadcasting of  
Arizona, LLC  
BPH-950202JA

Dear Licensee:

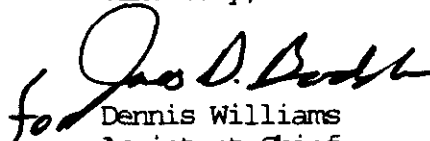
This letter refers to the above-captioned construction permit.

Section 73.3599 of the Commission's Rules (in pertinent part) provides that a construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such time as the Commission may have allowed for construction.

Your construction permit BPH-910910IH, as last extended by BPH-940121JA, and as replaced by BPH-950202JA, was originally granted on January 8, 1992. Construction was to have been completed and program test operations commenced prior to March 12, 1996. To date, no FCC 302-FM license application has been filed to cover this construction permit, nor has an FCC Form 307 application requesting extension of time to construct been received.

Consequently, in accordance with Section 73.3599 of the Commission's Rules, construction permit BPH-910910IH, as last extended by BPH-940121JA, and as replaced by BPH-950202JA, IS HEREBY CANCELLED.<sup>1</sup> This action is taken pursuant to Section 0.283 of the Commission Rules.

Sincerely,

*for* 

Dennis Williams  
Assistant Chief  
Audio Services Division  
Mass Media Bureau

<sup>1</sup> This action has no effect on your licensed operation as authorized by BLH-4954.



**DAVID TILLOTSON**  
**Attorney at Law**

3421 M Street, N.W., #1739  
Washington, D.C. 20007

Telephone: (202) 625-6241  
Facsimile: (202) 965-2018

May 18, 1993

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: BPH-910901IH

Dear Ms. Searcy:

Submitted herewith, in triplicate, on behalf of UNO Broadcasting Corporation is an application on FCC Form 307 for an extension of its construction permit to make improvements in the facilities of Station KTTI-FM, Yuma, Arizona.

Also submitted herewith is a \$200 check payable to the FCC to cover the filing fee for this application.

If you have any questions concerning this application, please call me.

Sincerely,

David Tillotson

Enclosure

cc: Ed Morris (w/encl.)

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION  
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT  
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

File No. BMPH-930520JD

1. Legal Name of Applicant (See Instruction C) <b>UNO Broadcasting Corporation</b>	3. PURPOSE OF APPLICATION: <input checked="" type="checkbox"/> a. Additional time to construct broadcast station <input type="checkbox"/> b. Construction permit to replace expired permit						
2. Mailing Address (Number, street, city, state, ZIP code) <b>One UNO Circle Joliet, IL 60435</b>	4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT: <table border="1"><tr><td>File Number <b>BPH-910901IH</b></td><td>Call Letters <b>KTTT</b></td></tr><tr><td>Frequency <b>95.1 MHz</b></td><td>Channel No. <b>236C</b></td></tr><tr><td colspan="2">Station Location <b>Yuma, Arizona</b></td></tr></table>	File Number <b>BPH-910901IH</b>	Call Letters <b>KTTT</b>	Frequency <b>95.1 MHz</b>	Channel No. <b>236C</b>	Station Location <b>Yuma, Arizona</b>	
File Number <b>BPH-910901IH</b>	Call Letters <b>KTTT</b>						
Frequency <b>95.1 MHz</b>	Channel No. <b>236C</b>						
Station Location <b>Yuma, Arizona</b>							
Telephone No. (Include Area Code)							

5. OTHER:  
Submit as Exhibit No. DNA a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc.

6. EXTENT OF CONSTRUCTION:

(a) Has equipment been delivered? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If NO, answer the following: From Whom Ordered (If no order has been placed, so indicate) <b>No Order Has Been Placed</b>	(b) Has installation commenced? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, submit as Exhibit No. <u>DNA</u> a description of the extent of installation and the date installation commenced.
Date Ordered <u>DNA</u>	Date Delivery Promised <u>DNA</u>
(c) Estimated date by which construction can be completed. <b>See Exhibit 1</b>	

7. (a) If application is for extension of construction permit, submit as Exhibit No. 1 reason(s) why construction has not been completed.

(b) If application is to replace an expired construction permit, submit as Exhibit No. DNA the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).

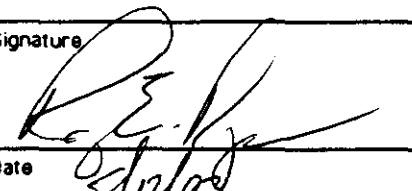
8. Are the representations contained in the application for construction permit still true and correct? ☒ YES ☐ NO  
If NO, give particulars in Exhibit No. \_\_\_\_\_

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant <b>UNO Broadcasting Corporation</b>	Signature 
Title <u>VP-Finance</u>	Date <u>5/13/93</u>

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT,  
U.S. CODE, TITLE 18, SECTION 1001.

# **EXHIBIT 1**

The applicant has not proceeded with the construction of the improved facilities for Station KTTI authorized in its construction permit due to weak economic conditions in the market. Applicant intends to proceed with construction as soon as market conditions improve sufficiently to justify making the substantial investment necessary to construct the new KTTI facilities.

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION  
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT  
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

File No.

BPH-950202JA

1. Legal Name of Applicant (See Instruction C) Stanley D. Friedman, Trustee		3. PURPOSE OF APPLICATION: <input checked="" type="checkbox"/> a. Additional time to construct broadcast station <input checked="" type="checkbox"/> b. Construction permit to replace expired permit	
2. Mailing Address (Number, street, city, state, ZIP code) Coopers & Lybrand L.L.P. 2901 North Central Avenue, Suite 1000 Phoenix, AZ 85012-2755		4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT: File Number BPH-940121JA Call Letters KTTI (FM) Frequency 95.1 MHz Channel No. 236C Station Location Yuma, AZ	
Telephone No. (Include Area Code) (602) 280-1800			
5. OTHER: Submit as Exhibit No. <u>DNA</u> a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc.			
EXTENT OF CONSTRUCTION: (a) Has equipment been delivered? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If NO, answer the following: From Whom Ordered (If no order has been placed, so indicate)			
Date Ordered		Date Delivery Promised	
		(c) Estimated date by which construction can be completed.	

7. (a) If application is for extension of construction permit, submit as Exhibit No. \_\_\_\_\_ reason(s) why construction has not been completed.

(b) If application is to replace an expired construction permit, submit as Exhibit No. 1 the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).

Are the representations contained in the application for construction permit still true and correct?  
If NO, give particulars in Exhibit No. \_\_\_\_\_


☒ YES ☐ NO

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant Stanley D. Friedman, Trustee	Signature 
Title Trustee	Date 1/26/95

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.

## EXHIBIT 1

Stanley D. Friedman is the Trustee of UNO Broadcasting Corporation ("UNO"), a matter which has previously been reported to the Commission in various filings. The Trustee has been the licensee of Station KTTI(FM) pursuant to a Commission approved application for involuntary assignment of license.

On January 3, 1995, the Chief, FM Branch, wrote to the Trustee informing him that a KTTI(FM) construction permit (BPH-910910IH, as replaced by BPH-9401212JA) had been cancelled because no license application had been filed to cover the construction permit, nor had the Trustee filed an application to extend the construction permit. The purpose of the instant filing is to request the Commission to reconsider its cancellation and to reinstate the construction permit.

The Trustee regrets not having filed the necessary FCC Form 307 to extend the construction permit. His failure to have done so was not the result of diminished interest in the construction permit, but rather to oversight arising from an unfamiliarity with Commission application processes.

Construction has not gone forward for several reasons. Problems have existed with the proposed antenna site which is located on property controlled by the United States Department of Interior, Bureau of Land Management ("BLM"). Since 1992 there have been a number of contacts between the former licensee, UNO, and the BLM to insure access to the site. These discussions,

which have been with the BLM's Yuma District Office, have continued through the Trustee's stewardship. BLM has verbally informed the station's operations manager that there exists a need for further clarification of an assignment of a right of way originally granted by Sun Country Broadcasting (a prior licensee) to UNO, as well as to technical matters relating to the use of the proposed site for a high power FM station. Finally, certain mining claims in the area had been raised by the BLM as a further hurdle to use of the site.

In January 1995, the Trustee learned that the mining claims had been satisfactorily resolved, but that questions remained outstanding with regard to the BLM's technical concerns as well as for potential payments for the land use.

The difficulty surrounding the ultimate resolution of these problems is complicated by the fact that the licensee is presently a court-appointed Trustee, and not the party who would ordinarily be expected to undertake construction of the proposed facilities. In this regard, the Trustee is presently engaged in discussions with prospective purchaser-assignees, looking toward the filing of an FCC Form 314 at an early date. The facilities approved by the Commission, as shown in the construction permit, significantly enhance the value of the stations, and the Trustee considers the preservation of the construction permit to be important to the discharge of his duties. It is, therefore, requested that the construction permit be reinstated and extended for a six month period to allow the Trustee to identify an

appropriate purchaser, so that the licenses and construction permit can be assigned to a fully qualified buyer. The Trustee will also continue to engage in discussions with the BLM pending the filing of an assignment application.